

July 9, 2015



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 16333
(FIRST REVISION)

EXPIRATION DATE: April 30, 2017

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Liberty Industrial Gases & Welding Supply Inc.
Brooklyn, NY
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain DOT Specification cylinders, marked with RIN A890 that have not been requalified in accordance with Subpart C of part 180, to Liberty Industrial Gases & Welding Supply Inc.'s Brooklyn NY facility. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 171.2 and 177.801 in that person is prohibited from offering or accepting for transportation a hazardous material that is not prepared in

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accordance with the requirements of Subchapter C of Chapter I of 49 CFR; and §172.302(c) in that marking the special permit on the package is not required.

5. BASIS: This special permit is based on the application of Liberty Industrial gases and Welding Supply, Inc. dated April 20, 2015, submitted in accordance with § 107.105 and the public proceeding thereon and § 107.109.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

Hazardous Materials Description			
Proper shipping name	Hazard Class/ Division	Identification Number	Packing Group
Liquefied or non-liquefied compressed gases or mixtures thereof, classed as Division 2.2*	2.2	As appropriate	As appropriate
Liquefied or non-liquefied compressed gases or mixtures thereof, classed as Division 2.2 (5.1), oxidizing gases	2.2(5.1)	As appropriate	As appropriate

*Cylinders containing Division 2.2 materials with no subsidiary hazard at a gauge pressure less than 29 psig at 68°F are not subject to the requirements of the HMR (see §173.29)

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed are certain DOT Specification cylinders that have been improperly marked with RIN A890 that have not been requalified in accordance with Subpart C of part 180.

b. OPERATIONAL CONTROLS:

(1) Pressurized DOT Specification cylinders authorized under the terms of this special permit may only be transported from customer locations to Liberty Industrial Gases & Welding Supply Inc.'s facility in Brooklyn, NY.

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(2) All packages shipped under this special permit must be transported by Liberty Industrial Gas vehicles.

(3) Cylinders must be visually inspected prior to shipment. Any cylinder that shows signs of leaking or damage must not be transported under this special permit.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is requalified.

c. Cylinders authorized under the terms of this special permit cannot be refilled prior to being requalified in accordance with Subpart C of Part 180 of the HMR.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor Vehicle.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.

o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

o Registration required by § 107.601 et seq., when applicable.

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Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- "The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Dr. Magdy El-Sibaie
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

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Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at

http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm

Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

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